

Application No.:	09/965,374
Amendment Dated:	November 4, 2008
Reply to Office Action of:	September 15, 2008

REMARKS/ ARGUMENTS

Applicants hereby request continued examination under 37 C.F.R. 1.114. The appropriate fee is enclosed.

This amendment is in response to the Final Office Action of September 15, 2008, and in accordance with 37 C.F.R. 1.114(c).

Claims 1-29 are pending in the application. Claims 1, 2, 4-8, 10-11, 13, 16-17, 19-23, 25 and 26 have been amended to clarify the invention.

In view of the foregoing amendments and remarks herein, Applicant respectfully requests that the Examiner withdraw all outstanding rejections.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1-29 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In particular, the Examiner has rejected claims 1, 10, 16 and 26 because the limitation “independently of any predetermined operating system tasks” is allegedly not supported in the specification. Applicant has now amended these claims 1, 10, 16, 23, and 26 to remove this limitation.

Accordingly, Applicant submits that this ground of rejection has been overcome.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,594 to Akiyama (“Akiyama”) in view of U.S. Patent No. 6,098,090 to Burns (“Burns”). Applicant respectfully disagrees.

The present invention is directed to a system for dynamically enabling the expansion of a computer operating system, by means a unique task scheduling system and method. A scheduling mechanism running in the operating system kernel allocates slices of processor time where each task is pre-assigned a slice of time. A service manager runs in a background thread. Significantly, the scheduling mechanism can schedule its registered tasks independently of any foreground task of the operating system. This permits, for example, interrupt and system services to run at scheduled times in the background without having to depend upon whether a foreground thread will “give the time up.”

The Akiyama reference is directed to a plurality of tasks grouped into “blocks” according to the deadline times of each task. However, as the Examiner indicates, Akiyama does not disclose having background tasks operating independently of foreground tasks. Also, as noted, Akiyama requires a “block” structure, unlike the present invention which is not so limited.

The Burns reference is directed to a background processor for executing background processes in a single execution thread. Burns focuses primarily on handling the execution of tasks, as opposed to improving the scheduling of tasks, which is an object of the present invention.

Also, it appears that neither of the cited references discloses a step of ranking registered services according to priority and resource need, or allocating both an execution presence and a data presence to a registered service, as required by amended claim 1 of the present invention.

Conclusion

For the reasons discussed above, it is believed that neither of the references cited by the Examiner, whether taken singly or in combination, disclose or suggest the unique combination of elements disclosed and claimed in the present application, as amended herein. Nor would a person of ordinary skill in the pertinent art be motivated to combine the references to produce the present invention. Therefore, none of the claims, as amended, are rendered obvious by either of the cited references.

Applicant submits that, in light of the amendments made herein and the discussion above,

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the Examiner's rejections of the claims under 35 U.S.C. 112 and 103(a) have now been overcome. Thus, all claims, as amended herein, are now believed to be allowable. Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued.

Respectfully submitted,

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